

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. W.A. )  
DREW EDMONDSON, in his capacity as )  
ATTORNEY GENERAL OF THE STATE OF ) Case No.  
OKLAHOMA and OKLAHOMA SECRETARY OF ) 05-CV-329-TCK-SAJ  
THE ENVIRONMENT C. MILES TROBERT, )  
his capacity as the TRUSTEE FOR )  
NATURAL RESOURCES FOR THE STATE OF )  
OKLAHOMA, )

Plaintiff(s), )

-vs- )

TYSON FOODS, INC.; TYSON POULTRY, )  
INC.; TYSON CHICKEN, INC.; COBB- )  
VANTRESS, INC.; AVIAGEN, INC., CAL- )  
MAINE FOODS, INC.; CAL-MAINE FARMS, )  
INC.; CARGILL, INC.; CARGILL TURKEY )  
PRODUCTION, LLC; GEORGE'S, INC.; )  
GEORGE'S FARMS, INC.; PETERSON )  
FARMS, INC.; SIMMONS FOODS, INC.; )  
and WILLOW BROOK FOODS, INC., )

Defendant(s). )

TRANSCRIPT OF PROCEEDINGS,

held before the Honorable Sam A. Joyner, Magistrate  
Judge in the United States District Court for the  
Northern District of Oklahoma on February 15, 2007.

A P P E A R A N C E S

For the Plaintiff State  
of Oklahoma:

Mr. Frederick C. Baker  
Mr. Louis W. Bullock  
Ms. Kelly S. Hunter Burch  
Mr. David P. Page  
Mr. Melvin D. Riggs  
Mr. Richard T. Garren and  
Mr. James R. Miller  
Attorneys at Law

(Appearances continued . . .)

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**EXHIBIT**

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1 plenty of time to maybe spend a little bit talking about  
2 scheduling. Let's take our afternoon break. Try to be  
3 back at 10 minutes after three.

4 (Whereupon, a short recess was held after which  
5 the following record was made.)

6 THE COURT: I know we turned up the heat.

7 MR. MILLER: Your Honor, it hadn't reached me  
8 yet.

9 THE COURT: It will be there. Couple of notes.  
10 I don't know whether it makes any difference. I don't  
11 anticipate ruling from the bench on any of the issues  
12 that we've set down for today. I think on issues of this  
13 significance that the first word should be in writing.  
14 So that's the other issue. And all right. I guess you  
15 can proceed, Mr. George. One concern I have is the  
16 confusion about the boxes and the fact that we may not be  
17 Bates-stamping and that there's no apparent coordination  
18 in regard to preservation of important evidence.

19 MR. GEORGE: Your Honor, I certainly don't  
20 believe that's the case. I believe that the documents  
21 that are in this box are in fact Bates-numbered. So I'm  
22 frankly a little mystified as to the argument by Mr.  
23 Bullock. I'm frankly not aware of any confusion  
24 regarding the Bates-numbered documents. In fact, these  
25 documents that are in the box that I have are

1 Bates-numbered by agency, ODEQ. Box number, I think  
2 there's a reference number there and page number like  
3 632. So in any event, I certainly -- I don't share the  
4 anxiety that apparently Mr. Bullock has regarding the  
5 integrity of the boxes.

6 I would say this, as perhaps it's as good a  
7 starting point as any, Your Honor, that there seems to be  
8 a bit of paranoia on the part of Mr. Bullock as to  
9 whether my OWRB box one was the same as his OWRB box one.  
10 Your Honor, there certainly were some instances, as I  
11 understand it, in such the defendants copied part of a  
12 box but not all of the box. One of things that I strived  
13 to do in putting together my argument for today was to  
14 identify boxes that we can confirm, and we absolutely can  
15 confirm, where complete copies of boxes from the relevant  
16 agencies. So for example, both OWRB box -- water quality  
17 box one, we have documentation where we notified the  
18 vendor we wanted a complete copy that have box and the  
19 same with respect to ODEQ land protection box two. So  
20 this notion, Your Honor, that somehow Robert George has  
21 evilly altered the contents of a box and therefore that's  
22 the explanation for why he can't find the answer that  
23 apparently is so self-evident to the plaintiffs in the  
24 case, is just simply imagined, Your Honor.

25 A good part of Mr. Bullock's argument -- in